REMARKS

These remarks are filed in response to the Examiner's Report of September 4, 2008, a response to which is due by December 4, 2008. Accordingly, the Applicants respectfully submit that no extension of time fees fall due in connection with the filing of this paper. If the Applicants are mistaken, the Commissioner is hereby authorized to deduct any necessary fees from our Deposit Account No. 13-2400.

Claims 1-4, 6-16, 18-26 and 28-34 are pending in the present application. Claims 5, 17 and 27 have been cancelled by way of a previous amendment.

The Examiner has rejected claims 1-4, 6, 9-16, 18, 21-26, 28 and 31-34 under 35 U.S.C. § 103(a) as being unpatentable over US patent Publication No. 2003/0005118 to Williams (hereinafter "Williams") in view of US patent Publication No. 2004/0210771 to Wood et al. (hereinafter "Wood") in further view of US Patent No. 7,099,946 to Lennon et al. (hereinafter "Lennon").

The Office Action was issued following the United States Supreme Court's decision in the case of KSR Int'l Co. v. Teleflex Inc., No. 04-1350 (April 30, 2007). In light of the KSR decision, Applicant wishes to address various issues pertaining to a proper analysis under section 103.

The Examiner, by citing three and four references and asserting a reason for combining elements from the three and four references, has elected to base the rejection of claims 1-34 upon a teaching, suggestion or motivation to select and combine features from the cited references. Applicant wishes to point out that the

Supreme Court's KSR decision did not reject use of a "teaching, suggestion or motivation" analysis as part of an obviousness analysis, characterizing the analysis as "a helpful insight." KSR slip op. at 14-15.

When the Examiner chooses to base a rejection upon a teaching, suggestion or motivation analysis, the Examiner must satisfy the requirements of such an analysis. In particular, the Examiner must demonstrate with evidence and reasoned argument that there was a teaching, suggestion or motivation to select and combine features from the cited references, e.g., In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Moreover, the prior art must suggest the desirability of the combination, not merely the feasibility, see In re Fulton, 73 USPQ2d 1141, 1145 (Fed. Cir. 2004).

In the event that the cited references fail to disclose or suggest all of the elements recited in the claims, then combining elements from the references would not yield the claimed subject matter, regardless of the extent of any teaching, suggestion or motivation.

Although the Supreme Court did not reject use of a "teaching, suggestion or motivation" analysis, the Supreme Court did say that it was not the only possible analysis of an obviousness question. Because of the Examiner's chosen ground for rejection, however, the only pending ground for rejection must be a "teaching, suggestion or motivation" analysis. In the event that the Examiner chooses to consider a different avenue for rejection, this would be a new ground for rejection not due to any action by Applicant. Applicant has a right to be heard on any new ground for rejection.

Applicant further respectfully reminds the Examiner that, even after <u>KSR</u>, the following legal principles are still valid, having been endorsed by the Supreme Court or having been unaffected by its decision: (1) the USPTO still has the burden of proof on the issue of obviousness; (2) the USPTO must base its decision upon evidence, and it must support its decision with articulated reasoning (slip op. at 14); (3) merely demonstrating that all elements of the claimed invention exist in the prior art is not sufficient to support a determination of obviousness (slip op. at 14-15); (4) hindsight has no place in an obviousness analysis (slip op. at 17); and (5) Applicant is entitled to a careful, thorough, professional examination of the claims (slip op. at 7, 23, in which the Supreme Court remarked that a poor examination reflected poorly upon the USPTO).

The Examiner has previously rejected claim 1 as obvious over Williams in view of Wood. The Examiner has now admitted that Williams-Wood does not specifically disclose, in the Examiner's words, "direct transmission of a session ID and additional session state information such as a time/date parameter between two systems". The Examiner then cites Lennon to illustrate that such direct transmission was known.

Notably, from the abstract, Lennon relates to a system in which a media browser, operating as a software application on a user terminal or preferably a server for a number of users, provides a user with a single user interface that facilitates browsing and searching different metadata collections over the Internet. A metadata server is associated with each of the metadata collections. When the metadata server receives a request from the media browser, the metadata server interprets the request

and replies with a description that satisfies the request and according to a predetermined scheme. The description contains at least one link which represents a return link which represents a return request to the metadata server. Specifically, Lennon discloses a method for transferring media sessions between users.

From the preamble of claim 1, it is clear that claim 1 relates to a method for a web farm including a first server and a second server, the second server having a requested web page. In short, claim 1 may be characterized as relating to a single terminal (executing a browser) and a transfer between two servers. Lennon, in contrast, may be characterized as relating to a single server and a transfer between two terminals (users).

Claim 1 requires that a first server transmit "said session ID and said timestamp directly" to a second server. The Examiner has identified disclosure in Lennon (col. 54, lines 37-40) wherein a first device is caused to "transfer to a second device a session identifier and a key for decoding the media associated with the media browsing session". The Examiner appears to indicate that Lennon discloses transfer, between the devices, of "additional session state information such as time/date parameter". However, a careful read of cited passages of Lennon only indicates disclosure of transfer of "a key for decoding the media associated with the media browsing session". The Applicant respectfully submits that the disclosed key is not equivalent to the claimed timestamp. Indeed, since the scenario in Lennon (two terminals, one server) is distinct from the scenario of claim 1 (one terminal, two servers), there is no need for the first device in Lennon to transfer a timestamp to the

second device in Lennon. Put another way, the second device in Lennon, as a receiver of media, has different requirements than the second server in claim 1, as a provider of a web page.

The Examiner has broadly termed the claimed timestamp as "session state information". Evidently, the Examiner considers that the key in Lennon may also be termed as "session state information". The Applicant respectfully disagrees. The key in Lennon is described as being "for decoding the media associated with the media browsing session". Accordingly, the key in Lennon may not be termed "session state information". Instead, the key in Lennon is information that allows the media received by the second device to be intelligible to the user of the second device. That is, rather than relating to the session, the key in Lennon relates to the media.

Since it is submitted that neither Williams, nor Wood, nor Lennon nor a combination of Williams, Wood and Lennon suggest or disclose transmitting a session ID and a timestamp, obtained by decrypting an encrypted session token, directly to a second server, it is further submitted that the method of claim 1 is not obvious over Williams in view of Wood in further view of Lennon. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 2-4, 6 and 9-12 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Lennon.

Claim 13 is directed to a system for secure session management. The system of claim 13 includes a first server including a first request handler. Claim 13 requires that the first request handler be adapted to transmit a session ID and a

timestamp directly to a second server.

It has been discussed above that neither Williams, nor Wood, nor Lennon nor a combination of Williams, Wood and Lennon suggest or disclose a first request handler transmitting a session ID and a timestamp, obtained by decrypting an encrypted session token, directly to a second server. Accordingly, the Applicant submits that the system of claim 13 is not obvious over Williams in view of Wood in further view of Lennon. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 13, and claims 14-16, 18 and 21 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Lennon.

Claim 23 is directed to a computer program product having a computer-readable medium tangibly embodying computer executable instructions for secure session management. The computer program product of claim 23 includes computer executable instructions for transmitting a session ID and a timestamp directly to a second server.

It has been discussed above that neither Williams, nor Wood, nor Lennon nor a combination of Williams, Wood and Lennon suggest or disclose computer program product including computer executable instructions for transmitting a session ID and a timestamp directly to the second server. Accordingly, the Applicant submits that the computer program product of claim 23 is not obvious over Williams in view of Wood in further view of Lennon. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 23, and claims 24-26, 28 and 31-34 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view

of Lennon.

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Lennon in further view of US Patent No. 5,907,621 to Bachman et al. (hereinafter "Bachman"). Claims 7 and 8 depend directly and indirectly, respectively, from claim 1 and add limitations. The Examiner contends that the combination of Williams, Wood an Lennon discloses most of the subject matter of claims 7 and 8 and cites Bachman to illustrate that the additional limitations added by claims 7 and 8 were known at the time the claimed inventions were made. Without regard to whether Bachman discloses the limitations added by claims 7 and 8, the Applicant submits that Bachman does not suggest or disclose transmitting a session ID and a timestamp directly to a second server as required by claim 1.

Since it is submitted that neither Williams, nor Wood, nor Lennon, nor Bachman, nor a combination of Williams, Wood, Lennon and Bachman suggest or disclose transmitting a session ID and a timestamp directly to a second server, it is further submitted that the method of claims 7 and 8 are patentable over Williams in view of Wood in further view of Lennon in further view of Bachman. The Applicant respectfully requests that the Examiner withdraw the rejection of claims 7 and 8 as obvious.

The Examiner has rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Lennon in further view of Bachman. Claims 19 and 20 depend indirectly from claim 13 and add

limitations. The Examiner contends that the combination of Williams, Wood and Lennon discloses most of the subject matter of claims 19 and 20 and cites Bachman to illustrate that the additional limitations added by claims 19 and 20 were known at the time the claimed inventions were made. Without regard to whether Bachman discloses the limitations added by claims 19 and 20, the Applicant submits that Bachman does not suggest or disclose a first request handler transmitting a session ID and a timestamp directly to a second server, as required by claim 13.

Since it is submitted that neither Williams, nor Wood, nor Lennon, nor Bachman, nor a combination of Williams, Wood, Lennon and Bachman suggest or disclose a first request handler transmitting a session ID and a timestamp, received along with a request, directly to a second server, it is further submitted that the system of claims 19 and 20 are patentable over Williams in view of Wood in further view of Lennon in further view of Bachman. It is respectfully requested that the Examiner withdraw the rejection of claims 19 and 20 as obvious.

The Examiner has rejected claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Lennon in further view of Bachman. Claims 29 and 30 depend indirectly from claim 23 and add limitations. The Examiner contends that Williams, Wood and Lennon disclose most of the subject matter of claims 29 and 30 and cites Bachman to illustrate that the additional limitations added by claims 29 and 30 were known at the time the claimed inventions were made. Without regard to whether Bachman discloses the limitations added by claims 29 and 30, the Applicant submits that Bachman does not suggest or

disclose transmitting a session ID and a timestamp, directly to a second server, as required by claim 23.

Since it is submitted that neither Williams, nor Wood, nor Lennon, nor Bachman, nor a combination of Williams, Wood, Lennon and Bachman suggest or disclose computer executable instructions for transmitting a session ID and a timestamp directly to a second server, it is further submitted that the computer program products of claims 29 and 30 are patentable over Williams in view of Wood in further view of Lennon in further view of Bachman. The Applicant respectfully requests that the Examiner withdraw the rejection of claims 29 and 30 as obvious.

Favorable reconsideration and allowance of this application are respectfully requested.

Respectfully Submitted,
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